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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,135	04/21/2004	Jeffrey Dunmire	JSCOTT.0002P	5469

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EXAMINER
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LAVINDER, JACK W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/829,135

Applicant(s)

DUNMIRE, JEFFREY

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, have been rejected under 35 U.S.C. 103(a) as being unpatentable over [www.fdp-magnetics.com](http://www.fdp-magnetics.com) webpage copyrighted 2000-2002 in view of Fontana, 4625508.

The webpage discloses a silver/gold link bracelet with magnets embedded behind each link wherein the front face of the magnets are generally coplanar with the rear face of the link. The webpage fails to disclose the bracelet being made from titanium and the relative size of the face of the magnet compared to the face of the whole link, i.e., the claim calls for the face of the magnet to be at least 50% of a total area comprising the rear of the main body and the face of the magnet.

Fontana disclose a bracelet that can be made from titanium (col. 1, lines 35-45).

Therefore, it would have been obvious to make the bracelet describe and shown in the webpage from titanium in order to produce a lighter and more wear resistant bracelet.

With regard to the relative size of the magnet to the surface area of the link, the webpages disclose various size relationships between the link's surface area and the magnet's surface area. In order to increase the magnetic effect of the bracelet one

skilled in the art would increase the size of the magnet and invariably increase the ratio between the surface area of the magnet and the surface area of the link. It would have been obvious to a person having ordinary skill to use a larger magnet to provide an increase in the magnetic field delivered to the wearer. This increase would improve the health benefits derived from wearing the bracelet.

3. Claims 5-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over [www.fdp-magnetics.com](http://www.fdp-magnetics.com) webpage copyrighted 2000-2002 in view of Fontana, 4625508.

Regarding claims 5-6 and 8-9, the webpage discloses a silver/gold link bracelet with magnets embedded behind each link wherein the front face of the magnets are generally coplanar with the rear face of the link. The webpage fails to disclose the bracelet being made from titanium.

Fontana disclose a bracelet that can be made from titanium (col. 1, lines 35-45).

Therefore, it would have been obvious to make the bracelet describe and shown in the webpage from titanium in order to produce a lighter and more wear resistant bracelet.

Regarding claim 7, the webpage discloses a silver/gold link bracelet with magnets embedded behind each link wherein the front face of the magnets are generally coplanar with the rear face of the link. The webpage fails to disclose the bracelet being made from titanium and the relative size of the face of the magnet compared to the face of the whole link, i.e., the claim calls for the face of the magnet to

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be at least 50% of a total area comprising the rear of the main body and the face of the magnet.

Fontana disclose a bracelet that can be made from titanium (col. 1, lines 35-45).

Therefore, it would have been obvious to make the bracelet describe and shown in the webpage from titanium in order to produce a lighter and more wear resistant bracelet.

With regard to the relative size of the magnet to the surface area of the link, the webpages disclose various size relationships between the link's surface area and the magnet's surface area. In order to increase the magnetic effect of the bracelet one skilled in the art would increase the size of the magnet and invariably increase the ratio between the surface area of the magnet and the surface area of the link. It would have been obvious to a person having ordinary skill to use a larger magnet to provide an increase in the magnetic field delivered to the wearer. This increase would improve the health benefits derived from wearing the bracelet.

4. Claims 10-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over [www.fdp-magnetics.com](http://www.fdp-magnetics.com) webpage copyrighted 2000-2002.

The webpage discloses a silver/gold link bracelet with magnets embedded behind each link wherein the front face of the magnets are generally coplanar with the rear face of the link. The webpage fails to disclose the bracelet being made from titanium and the relative size of the face of the magnet compared to the face of the whole link, i.e., the claim calls for the face of the magnet to be at least 50% of a total area comprising the rear of the main body and the face of the magnet.

With regard to the relative size of the magnet to the surface area of the link, the webpages disclose various size relationships between the link's surface area and the magnet's surface area. In order to increase the magnetic effect of the bracelet one skilled in the art would increase the size of the magnet and invariably increase the ratio between the surface area of the magnet and the surface area of the link. It would have been obvious to a person having ordinary skill to use a larger magnet to provide an increase in the magnetic field delivered to the wearer. This increase would improve the health benefits derived from wearing the bracelet.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-14 have been rejected under 35 U.S.C. 102(a) as being anticipated by [www.billythetree.com](http://www.billythetree.com), copyright 2003.

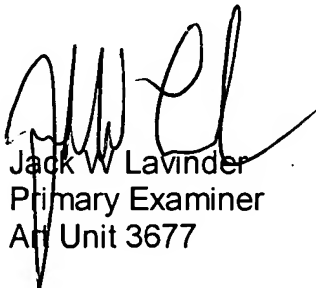
The webpage meets all the claimed limitations including the limitations defined by the term "generally", i.e., generally oval, generally circular, generally rectangular.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder  
Primary Examiner  
Art Unit 3677

9/26/05